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at the sale point. In this connexion I would like to point out that the Government of India itself has felt that the tanning industry is in a very difficult situation and that is why it has sent out a deputation at its own expense to England, America and to the Continent to explore in what way the export of tanned skins and hides can be accelerated and facilitated. The very fact the Government of India has sent out this deputation under the leadership of Mr. Jamal Mohideen Sahib, shows that the industry is in a somewhat difficult situation and that it is not advisable to tax it, either at the sale point or even at the purchase point.

"Another point which I should like to mention, though it is only a small point, but which affects a very important and influential section of the assessees, namely, the Press, is this. There is provision made in this Bill for taxing newspapers. It is true that the newspaper reading public will not be asked to pay the tax, but that the proprietors will pay. And we know that except a few newspapers, all others are not being run at a profit. I would also point out that taxing newspapers is taxing knowledge and I would suggest that in exercise of the powers vested with the Government, newspapers may be exempted."

The motion was put and carried and the Bill was passed into law.

MR. PRESIDENT :—"The House will now adjourn to meet again at 3 p.m."

(After lunch—3 p.m.)

(3) THE MADRAS SUPPRESSION OF IMMORAL TRAFFIC (AMENDMENT) BILL, 1947 (L.A. BILL NO. 17 OF 1947)

* THE HON. SRI K. MADHAVA MENON :—"Sir, I move—

'*that the Madras Suppression of Immoral Traffic (Amendment) Bill,* [a] 1947 (*L.A. Bill No.* 17 *of* 1947) *as passed by the Legislative Assembly be taken into consideration at once.*'"

SRI R. SURYANARAYANA RAO :—"Sir, I rise to a point of order. The Bill was considered by a Joint Select Committee of both the Houses. While the Select Committee report has been presented to the other House—I was myself a Member of the Select Committee and I know what happened—no such report has been presented to this House. I do not know what the rules are; but I think when a Joint Select Committee is set up . . ."

THE HON. DR. P. SUBBARAYAN :—"Might I point out, Sir, for your consideration that a Joint Select Committee is appointed in order to see that Members of this House also take part in the deliberations of the Committee and the Government, as usual, can either present the Bill in the one House or in the other House.

[a] Printed as Appendix III on pages 125–126 infra.

And as the other House met before, naturally, my Hon. Colleague presented it in that House. And when it wa passed by that House, it naturally comes before this House. Of course if there are any amendments, Members are entitled to move them; but there is no question of disregarding the self-respect of either this House or of the other House. Therefore, Sir, I do not see what valid objection my hon. Friend Mr. Suryanarayana Rao can take to the procedure just now."

* THE HON. SRI K. MADHAVA MENON :—" Under the rules, Sir, the Assembly passed a resolution requesting the Council to agree in the appointment of a Joint Select Committee. The request was made to this House, by a resolution of the Assembly, to agree to a Joint Select Committee by nominating certain members to the Committee. As a matter of fact, the committee was appointed by the Assembly and the report was therefore presented to the Assembly."

MR. PRESIDENT :—" But what is the objection of the Government in giving to the members of this House a copy of the Committee's report."

SRI B. BHIMA RAO :—" I think, Sir, we ought to have a copy of the Select Committee's report."

MR. PRESIDENT :—" Inasmuch as the Members of this House were participating there in the Committee, it is better to give copies."

SRI B. BHIMA RAO :—" In the case of the General Sales Tax Act Bill, we have got the report of the Select Committee. What was the reason in this case for not furnishing copies to us? "

* THE HON. SRI K. MADHAVA MENON :—" Sir, the report of the Select Committee should have been given to the members; anyway, in this particular case, the Select Committee did not make any changes except in one instance, about the age, i.e., they reduced the age from 35 to 30. So it is only a matter of technical importance. In the case of Select Committees that are going to meet hereafter, we shall certainly observe this formality.

" Sir, this matter has already been presented to the House when I moved for the appointment of the Joint Select Committee. I only want to remind the Members now as to what this matter is about, for the information of those who were not present here at the time. Under section 12 of the Madras Suppression of Immoral Traffic Act, 1930 as it stands now, whoever in any street or public place solicits any person for the purpose of prostitution in such manner as to cause obstruction, annoyance or danger to the residents or passengers, or to offend against public decency, or frequents such street or public place for the purpose of prostitution or of solicitation so as to constitute a nuisance, or to offend against public decency, is liable to be punished with imprisonment for a term which may extend to two months, or with fine which may extend to one thousand rupees, or with both. This is the only

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section of the Act which provides for the conviction of the prostitute herself. Generally such girls or women are sentenced only to imprisonment for a fortnight or one month, during which period they are detained in the Penitentiary, Madras. Detention in a jail does not give the girls or women a chance to reform themselves, and it is even likely, on the other hand, to make them criminal in addition to being immoral. The Government of Madras have received representations from various associations that as far as possible, this sort of reformatory treatment should be given to these people. The Government consider that girls or women convicted under the Act should not be sentenced to imprisonment, but should be certified and committed to a Vigilance Home. Accordingly, this legislation has been undertaken on the lines indicated by me and the necessary provisions have been made. Therefore, instead of detention for two months in jail, detention for a period of not less than two years is put in, so that they may be taught some art or trade or calling other than the one which they were practising before, so that they may become useful to the society and useful to themselves. The idea is to have a separate vigilance home, to give sufficient training to these girls or women; and in the Bill, as it has emerged from the Select Committee, there is no particular change made, except that for the age 35, 30 years has been put in; we thought that perhaps after that age, they would be beyond redemption. There is no other change made. When the Bill was discussed in the Assembly, some members, particularly the Lady Member, Mrs. Amiruddin, raised the question, which is very pertinent, as to why punishment in such cases should be confined to women and there should be two different standards of morality for men and women, that if a prostitute is punished, the man responsible for the prostitution should also be punished. That is not of course part of this legislation, but that was a very interesting point to be considered also. I have nothing more to add, Sir, and I move that the Bill be taken into consideration."

MR. PRESIDENT :—" It is therefore a sheer matter of kindness—enhancing the sentence from two months to two years? "

* THE HON. SRI K. MADHAVA MENON :—" It is a serious matter, Sir, enhancing the punishment from two months to two years; and that is why it was considered by a Select Committee. It might be thought, as you suggested, Sir, that it was only an increase of punishment from two months to two years; but on the other hand, the opinion of the Select Committee, particularly of the women members of the Select Committee, was that it was no question of punishment at all, that it was a sort of certified school that we should have where these people could be given some sort of training for two years, instead of keeping them in an atmosphere of jail, keeping them in a more homely atmosphere where they may be made to feel that they can lead a better life, so that it would not be a punishment but certainly a definite reform of these people."

MRS. HENSMAN :—" Mr. President, Sir, we must congratulate the Government on their having brought forward a

measure like this. It certainly affects public morality that there should be deterrent orders and deterrent effects for any person behaving in such a way that the Hon. Minister has already read out. I am glad, Sir, that the Hon. Minister has cut the ground from under my feet by talking about equality of punishment for equal crimes, but that does not enter into the question just now before us. It certainly is a matter for thought and women will think over the matter a great many times before exercising one of the oldest professions of womanhood, if they fear a two years' detention instead of a two months' detention. In regard to this Bill, I should like to know in general from the Government, and in particular from the Hon. Minister, whether the Vigilance Home, the corrective house as we call it in this Bill, will be immediately set up as soon as this Bill passes into law and is implemented in practice, or whether he proposes to use the already available means on paper, as to where these ladies can be kept. I think it is a fact that the present Suppression of Immoral Traffic Act has been extended to 65 areas in this province. I also believe it is a fact that not more than one or two homes really exist at the present moment. There may be more—most of them is on paper—but a mere apology for a home, I mean some of those that have been visited by us who are on the Board for the Suppression of Immoral Traffic. When Dr. Muthulakshmi Reddi in the year 1930 first initiated this Bill, it was very much in her mind that there should be two kinds of places where these women could be sheltered. One, as the Hon. Minister has said, is not a penal or punitive home; it will be for rehabilitation into ordinary life just as much as we are trying to rehabilitate the military personnel of both sexes into civilian life again. Sir, the present Homes that exist—I will take for example the Home in Madras, in Katcheri Road, Mylapore,—is a Home not for punitive measures or corrective measures; it is a home for all those girls who have to study or learn another way of life, who have voluntarily and without any restraint from outside, preferred to live there and learn the occupations of womanhood in a new walk of life. And, Sir, is it right that girls who have been brought in, not because of what we may call for the sake of paper, legal offences,—that they have broken the law of a particular country or of the particular district they are in—that they should be brought into this very Home, where girls are choosing to marry, to learn the arts of womanhood and to practise all the things that will lead them away from the wrong living that has been their lot in the past.
3-15 p.m. I grant that two years is quite a short time to change the women's outlook. It may be that after they leave those Welfare Associations, they may come under the influence of other ladies who may try to spoil them again or it may be that after these homes, they are led by other men and are made to live in such a way as would bring them under the provisions of this Bill. Such persons may not be suitable companions or may not be suitable people to be put up either with young or old who are now in the Rescue Homes. Therefore, I would ask the Hon. the Minister to make a note of this fact and to see that as soon as this measure is implemented, there should be houses, perhaps taken on rent by Government or

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built by Government or people belonging to the Borstal Association or lent by them, that these girls might be kept there, because I may point out that it is not a small number that come every year. Mr. President, 500 to 600 such cases a year have already been brought to the notice of the judiciary in this Presidency and that comes to the average of two a day. That means on the average about 60 persons a month will be brought into these homes. Therefore, it is a perfectly legitimate claim to ask for a separate house for the women convicted under this Act because Government has not done anything at all till now in this matter. On the average of two a day, these sixty persons cannot be thrust into a Rescue Home where 140 or 150 inmates are already crowding. That, Sir, I think is one of the first problems for the Hon. Minister's immediate attention.

"Moreover, I do feel that there is another aspect of this. If the Welfare Associations are to be provincialized and amalgamated and are going to be brought under some Director or Directress, I want to ask what the Government's terms will be for appointing such a Director or Directress. Rescue work or vigilance work is so much a matter of special training, that depends much on the degree of influence, personality and experience of the worker employed and a great amount of discrimination should be brought to bear in this kind of work. So, I certainly congratulate the Government in taking this burden on their shoulders, for Sir, I know that Government are going to settle the problem by provincializing these Vigilance Associations. That is what I understand from the papers—I can assert as one reading the papers regularly—and I see from the papers that the Government have decided to provincialize the vigilance homes very shortly. That is the best thing to be done if this clause is implemented, because it is necessary that these vigilance homes should be under the immediate supervision of Government and they should not be worked through the medium of what you call in the money market, brokers or middlemen but by the Minister and the Government themselves and the people who know how to run these homes. May I conclude by asking whether it would be a very fine gesture in implementing this particular clause if Government should provide certain places not only in the City of Madras but also in the districts for this purpose so that the persons who are to be confined for such offences in the future may be kept in their own districts instead of being brought to Madras and housed in these vigilance homes? Suppose some offences are apprehended at Madura, I ask whether all those girls are to be brought all the way from Madura to Madras or to be kept somewhere else or to be left in the mid-air. These are problems that I wish that I had already pointed out to the Hon. the Minister when he first brought forth this measure. He is a lawyer and a social reformer for the women's as well as the men's cause. I would at the same time remind him that at this time that we, the women members in the Assembly and the Council are cent per cent in agreement with his ideas in this measure of social reform,

and we are as much against the practice of immoral traffic in women as any man is and I only trust that men will help us so sincerely that this type of offence will surely die out.

" Sir, I repeat if this measure is to be implemented immediately, there must be some provision for the girl to be brought to the rescue homes at once; there must be some provision made for the type of girl who chooses to come in and chooses to fashion her life along with the ordinary average womenhood and chooses to be the wife and the mother later on. You may smile, but I say that some of the best wives and mothers are got out of these vigilance home in the Katcheri road, and this Bill will help to make many more happy homes in our Province."

MR. PRESIDENT :—" I did not smile."

* MRS. M. N. CLUBWALA :—" Sir, it gives me very great pleasure to congratulate the Government for having brought about this much needed amendment to the Madras Suppression of Immoral Traffic Act. As one who is closely associated with the working of the Act in the City and Province for the last ten years, I may be credited with the knowledge of the need for such an amendment to the Act. As early as in 1943, I drew the attention of the then Government as to the necessity of passing the present Amendment to the Act but the matter was not taken up seriously then, in view of war-time activities and it was left to the Hon. Mr. Madhava Menon to bring in this amendment and to push through this Bill. By this measure, the popular Government will earn the gratitude of several thousands of women, given to aimless loitering and soliciting men for immoral purposes in public places, causing annoyance to people and also proving a menace to society by being the source of spreading sickness. These women were all along been sent to prison which was neither to their benefit nor to that of society. For, the period of sentence provided for in the Act was so short that the women thus convicted had no time to reform themselves but had only the misfortune of being dubbed as " bad women "? The fines levied by the Magistrates was so meagre that it had no corrective effect on them. Besides, when once the women convicts under the Act, most of whom are repentful and reformable, went into prison and mixed with all sorts of women offenders, came out of it, they only became habitual and confirmed solicitors instead of being reformed. As a visitor to the Madras Penitentiary, I used to go and meet almost the same set of women again and again, who were convicted under the elusive section 12 of the Act. When questioned, they always said : " What are we to do. We do not know any other trade; once we come to prison, our lot is sealed. Nobody in society would treat us well. We are denounced as vicious women. So, we have no other go but to continue street solicitation throughout our lives. But, give us an opportunity to live in a decent place and learn something useful and then see if we indulge in these low ways." It was this that made me to think. I am glad that by the amendment, reformable among such women up to thirty years of age would be sent to a

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Vigilance Home hereafter for a period varying from two to five years and that provision would be made there for the teaching of cottage industries and such other arts as would make these women useful members of Society. But, I wish to suggest that the Government may kindly expedite the opening of a Vigilance Home on a workhouse basis immediately, while implementing the amendment of the Act. In the absence of such a Vigilance Home, the usefulness of the measure will be frustrated.

" Secondly, the Government, I hope, will not think of housing these women in the present Stri Sadana Central Rescue and Training Home, run by the Madras Vigilance Association because, I feel that persons who are convicted under this Act should not be mixed with girls in the Rescue Home because such persons convicted under this Act are hardened persons whereas the girls in the Rescue Home are persons who want to reform themselves."

MR. PRESIDENT :—" There is little difference between a Rescue Home and a Vigilance Association."

* MRS. M. N. CLUBWALA :—" There is this difference that girls under the age of 18 and up to 21 are kept in the Rescue Homes whereas after that age, they are cared for by the Vigilance Association. Sir, it will be totally against all principles of psychology to mix these women convicted of crimes under this Act with the rescued girls. It will be detrimental to the reformatory training of the rescued girls. So, these women must have a separate home and Government should build separate buildings for them or they should be housed in a place where they can learn a trade different from a trade which they were previously pursuing. That is why we asked in the Select Committee to reduce the age limit of such women from 35 to 30, and I am glad that Government has accepted it.

" Another request which I would wish to make to the Hon. the Minister is about the formation of the women Police, a subject that is very closely related to the present amendment, because women police will be very useful in this line of work. I am thankful to the Government for having brought this measure. I also request the Hon. Minister to raise the status of the social workers who are engaged in this social work without danger to their prestige and position. I am grateful to the Government for having brought forward this Bill and I once again congratulate the Government for pushing through this measure."

* THE HON. SRI K. MADHAVA MENON :—" I have not much to say in reply. While it is gratifying to hear the statements made by the Hon. the Lady Members, I may assure them that it is not at all the idea of the Government to put the people convicted under the Immoral Traffic Act in the existing Vigilance Homes, but persons who are below the age of 15 may be kept in those homes along with other people. As a matter of fact, the idea of having a separate Vigilance Home for these persons convicted under this Act was in the mind of the Government and

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provision has accordingly been made in this year's budget to the extent of Rs. 40,000. But, since the Act has not been amended up till now, the question of providing a separate vigilance home was not taken up by the Government. Another reason is that it is not easy to find buildings in these days and Government will try to provide a separate house taken on rent for these women at the earliest opportunity, if we are not able to build a separate building for this purpose and to implement the provisions of this Act. I can assure the lady members that as soon as such a building is found out, they will not be kept in the same home as the minor children are kept. I have seen the present home myself in Madras. It is unthinkable to put people into it. Already it is overcrowded and there is hardly room for 60 but more than 160 or 170 women are there huddled together and the women convicted under this Act will not be put along with them.

" So far as the provincialization of the women's association is concerned, Government have already passed orders about the provincialization and details are being worked out. As I said before, the existing institutions belong to private associations. We are already working a scheme even now for the provincialization of not only the Rescue Homes but also the Vigilance Associations. The chief difficulty has been want of proper building for such institutions. We are proceeding actively with the details of provincialization and I can assure hon. Members that as soon as the arrangements are ready, they will be provincialized."

MR. PRESIDENT :—" The question is that the Bill further to amend the Madras Suppression of Immoral Traffic Act, 1930, be taken into consideration."

The motion was put and carried.

Clauses 2 to 5 were then put one by one and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI K. MADHAVA MENON :—" I now move—

'that the Bill be passed into law.' "

MR. PRESIDENT :—" The question is that the Bill further to amend the Madras Suppression of Immoral Traffic Act, 1930, be passed into law."

The motion was put and carried and the Bill was passed into law.

(4) THE MADRAS DEVADASIS (PREVENTION OF DEDICATION) BILL, 1947 (L.A. BILL NO. 21 OF 1947).

THE HON. DR. P. SUBBARAYAN :—" I move, Sir—

3-30 p.m. *' that the Madras Devadasis (Prevention of Dedication) Bill,*[a] *1947 (L.A. Bill No. 21 of 1947) as passed by the Legislative Assembly be taken into consideration at once.'*

" Sir, this legislation has a long history behind it. It was in the year 1928 that my friend, Dr. Muthulakshmi Reddi, introduced a measure of this kind, but as I said in the other House,

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a Printed as Appendix IV on pages 127–128 infra.